



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 24, 2004

SUBJECT: **2004-0853 – El Caminito Mexican Restaurant** [Applicant]
Mardesich Co [Owner]: Application on a 1.4-acre site located at **510 East El Camino Real** in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 211-20-006):

Motion Use Permit to allow liquor sales at an existing restaurant.

REPORT IN BRIEF

Existing Site Conditions Commercial Shopping Center

Surrounding Land Uses

North	Apartments
South	Apartments
East	Shopping Center
West	Shopping Center

Issues Neighborhood Compatibility

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2/PD	Same	C-2/PD
Lot Size (s.f.)	59,242	Same	No min.
Gross Floor Area (s.f.)	12,565	Same	No max.
Gross Floor Area of Tenant	2,106	Same	No min.
Parking			
• Total Spaces	86	Same	70 min.
• Standard Spaces	86	Same	70 min.
• Compact Spaces/ % of Total	0	Same	10% max.
• Accessible Spaces	4	Same	4 min.

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing to have alcohol sales in an existing restaurant that currently serves only beer and wine.

Background

El Caminito Mexican Restaurant has been in existence for the past 12 years in this location. Since that time, Sunnyvale Public Safety has not received any complaints about the business and only minor calls the site. The City's Neighborhood Preservation Division has only issued violations notices for non-permitted banner signs at this location.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemption includes changes of use in restaurants.

Use Permit

Use: The applicant is also not proposing any changes to the operations of the restaurant, including live entertainment or hours of operation. Planning Staff recommends Condition of Approval #3, which states the hours of operation are as follows:

Monday – Thursday:	11:00am – 9:30pm
Friday – Saturday:	11:00am – 10:00pm
Sunday:	10:00am – 9:30pm

Site Layout: This restaurant is located in an existing shopping center consisting of five tenant spaces. The applicant is not proposing any exterior or interior changes to the building.

Parking: The parking of the site was reviewed at the time use was approved and it was determined that the site had sufficient parking for the proposed use. No additional parking is required at this time.

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impacts on the Surroundings

Staff believes that the proposed sale of alcohol at the site should not have a negative impact to the surrounding uses. There are nearby restaurants with the sale of alcohol that are open late into the evening.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 280 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide addition commercial opportunities while not causing any negative impacts to surrounding uses.

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

The proposed use will enable the current business to provide an additional entertainment use to the area and expand its services to its patrons.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed use will not negatively impact adjacent properties or significantly increase noise and traffic in commercial-industrial area. Restaurants that include the on-site sale of alcohol are located in near the subject site.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because site is appropriately located in a commercial and service center. The additional ability to sell alcohol in conjunction with beer and wine and the approved use should not interfere with the neighboring commercial uses. The proposed business shall not be a detriment to neighboring properties through conformance to the conditions of the Use Permit.

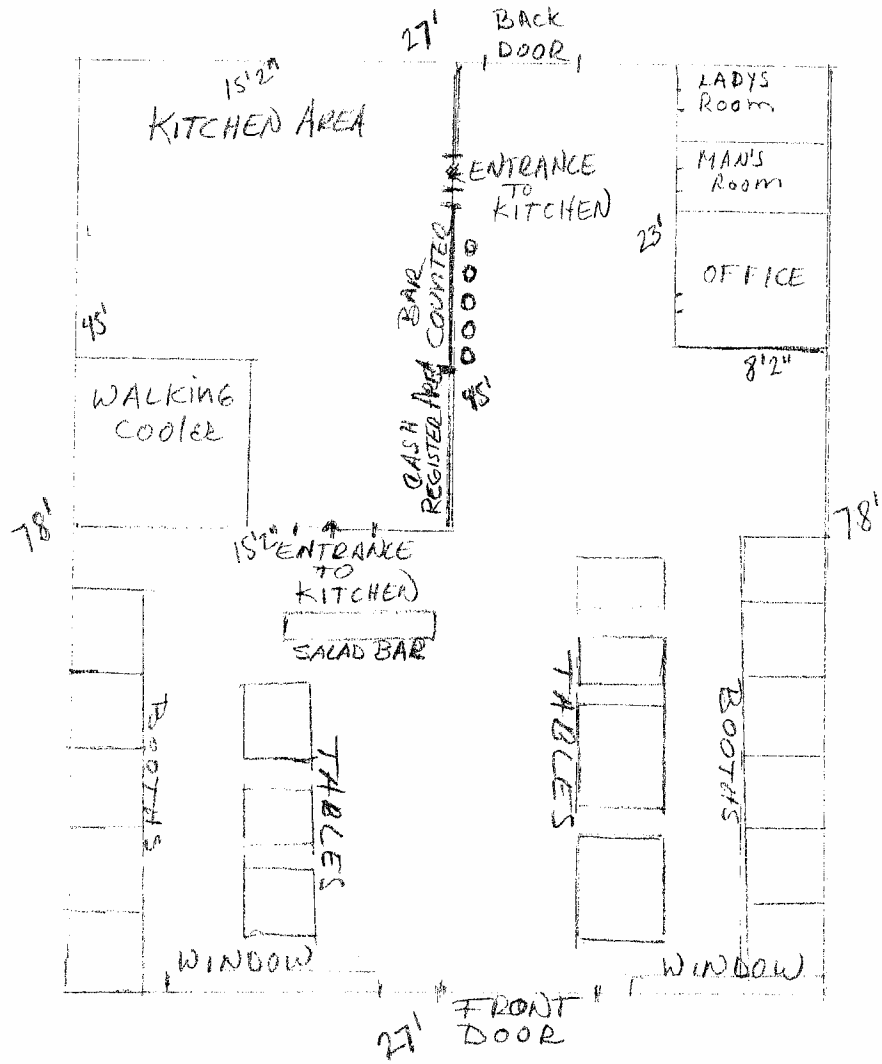
Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

GENERAL CONDITIONS

1. The two-year expiration of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
2. The operation hours for the business shall be as follows:
Monday – Thursday: 11:00am – 9:30pm
Friday – Saturday: 11:00am – 10:00pm
Sunday: 10:00am – 9:30pm
4. All recycling and solid waste shall be confined to approved receptacles and enclosures.
5. The property shall remain clean and free of debris and garbage.
6. The building facade shall be maintained in good condition.



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WARDENHUGH COMPANY

de l'Institut National de la Santé et de la Sécurité Publique (INSP) et de l'Institut de la Santé Publique de l'Université de Montréal (ISUPUM).

Architectural Site Plan

Scale: 1" = 20'-0"

MARDESICH CO.
2227 Sierra Ventura Dr.
Los Altos, California

TENANT INITIALS
I.V. [Signature]

EL SIO EAST
CAMINO
SUNNYVALE

LANDLORD INITIALS

